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December 20, 2012

### Federal Express - Overnight Delivery

Lester A. Heltzer, Executive Secretary National Labor Relations Board 1009 14<sup>th</sup> Street, N.W. Washington, D.C. 20570-0001

Regarding: G4S G

G4S Government Solutions, Inc. (Federal Contract Guards of America

International Union)

Case Number: 05-UD-086913

Dear Mr. Heltzer:

This firm represents Federal Contract Guards of America International Union ("FCGOA"), the incumbent union in the above-referenced "UD" case. Please accept this letter as FCGOA's Answer in Opposition to Petitioner's Exceptions to the Hearing Officer's Report in this matter. We are also enclosing eight (8) additional copies of this letter as well as an Affidavit of Service indicating that a copy of this letter has been served, via Federal Express - Overnight Delivery, on each of the following: Wayne R. Gold, Regional Director - NLRB Region 5; Don Allen Bennett, the Petitioner; Michael Goodwin, the Employer's Manager of Labor Relations; and Dana Carroll, the Employer's representative.

#### FCGOA'S ANSWER IN OPPOSITION TO PETITIONER'S EXCEPTION

Petitioner's Exceptions consist of a mere recitation of the "evidence" he presented before the Hearing Officer and some additional alleged "evidence" which is entirely irrelevant in any event. As to the "evidence" Petitioner presented at the hearing and now presents before the Board, it consists of nothing more than Petitioner's self-serving speculation that the election notices were not timely posted. Further, Petitioner's speculation derives solely from a brief series of emails which clearly do not indicate that notice postings were untimely [See Hearing Office's Report dated November 28, 2012 at pp. 5-6]. Moreover, Petitioner admitted at the hearing that he had neither personal knowledge that the notice postings were untimely nor could present he present anyone else who would substantiate his allegation [See id. at p. 6].

#### **CONCLUSION**

For all the foregoing reasons, the Board should dismiss the Petitioner's Exceptions, adopt the Hearing Officer's recommendation to dismiss the Objection to the Election and certify the results of the Board-conducted Election.

Very truly yours,

Eric J. LaRuffa
For Law Offices of:

Richard M. Greenspan, P.C.

EJL:cm

cc via Federal Express:

Wayne R. Gold, Regional Director National Labor Relations Board Region 5 Bank of America Center Tower II 100 South Charles Street, Suite 600

Mr. Don Allen Bennett 30087 Cross Woods Drive Mechanicsville, MD 20659-6111

Baltimore, MD 21201

Ms. Dana Carroll G4S Government Solutions, Inc. 6710 Oxon Hill Road, Suite 200 Oxon Hill, MD 20745-1124

Mr. Michael Goodwin Manager of Labor Relations G4S Government Solutions, Inc. 7121 Fairway Drive, Suite 301 Palm Beach Gardens, FL 33418-3766 Christina Margiotta, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides in Elmsford, New York. That on the 20<sup>th</sup> day of December, 2012, deponent served the within ANSWER TO PETITIONER'S EXCEPTION, upon the following:

- Mr. Don Allen Bennett, 30087 Cross Woods Drive, Mechanicsville, MD
   20659-6111 (Tracking Number: 7943 6212 6116);
- Ms. Dana Carroll, G4S Government Solutions, Inc., 6710 Oxon Hill Road, Suite 200, Oxon Hill, MD 20745-1124 (*Tracking Number: 7943 6214 6688*); and
- Mr. Michael Goodwin, Manager of Labor Relations, G4S Government Solutions, Inc., 7121 Fairway Drive, Suite 301, Palm Beach Gardens, FL 33418-3766 (Tracking Number: 7943 6217 8764)

at the address designated by said attorney for that purpose by depositing a true copy of same via Federal Express Overnight Delivery.

CHRISTINA MARGIOTTA

Sworn to before me this 20<sup>th</sup> day of December, 2012

COUNTY OF WESTCHESTER

Notary Public

ERIC JAMES LARUFFA
NOTARY PUBLIC, State of New York
No. 02LA6236634
Qualified in New York County
Commission Expires

02/28/2015